

Did Euphiletus murder Eratosthenes?

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Fiona Hobden here re-opens the case against Euphiletus, who was put on trial for murder at Athens in the late fifth/early fourth century B.C., by analysing the speech written in his defence by Lysias, *On the Murder of Eratosthenes*. While Euphiletus presents the killing of Eratosthenes as a legally sanctioned punishment for the adulterous Eratosthenes, a cross-examination of his arguments and rhetorical strategies reveals that his demonstration of Eratosthenes' misconduct with his wife and his appeal to law are highly orchestrated, and casts suspicion upon Euphiletus' self-proclaimed innocence.

Dead lovers. Wronged husbands. Duplicitous women. Lysias' fourth-century lawcourt oration *On the murder of Eratosthenes*, has all the hallmarks of a classic whodunnit story. But there is one difference: we know who did it. In his opening volley the defendant, Euphiletus, effectively admits causing Eratosthenes' death. Instead of arguing 'it wasn't me', he urges the jurors to be sympathetic, because they would act in exactly the same way, should they ever be in his position. For what Euphiletus admits to is not the unlawful killing of Eratosthenes, or in other words his murder, but the legitimate punishment of a man who seduced his wife, who corrupted her and his children, and who committed the outrage of entering his house. There may be a body, but – so we are led to believe – the defendant has committed no crime. At face value it is rather convincing. However, by turning our detective skills upon the case, we will weigh up Euphiletus' claim to innocence, and may well arrive at a different verdict.

The defence

First, let us follow Euphiletus' argument. After introducing the basic scenario, the defendant embarks upon a detailed narrative of events leading up to Eratosthenes' death. Having already established Eratosthenes as an adulterer and destroyer of households, he presents himself as a naive young husband duped by his wife, who was herself the victim of Eratosthenes' corrupting influence. The wife, whose name we never learn, was at first the best of all wives: skilled, thrifty, and accurate in her management of the

household. However, when a family funeral took her outside the home, she was noticed by Eratosthenes, who henceforth pressed his suit with the help of her maid. Thereafter, the two women contrived to allow Eratosthenes to enter the house when, at first, Euphiletus was expected to be in the countryside, and later, when he was at home. Despite being locked in his bedroom by his wife and hearing noises in the night, and despite noticing her telltale makeup, foolish, unsuspecting Euphiletus only learnt of the affair when he received a tip-off from a jilted lover, and subsequently cross-examined the maid. Proof – and vengeance – soon followed. The next time Eratosthenes arrived, the maid fetched Euphiletus, who in turn collected some friends and charged into the bedroom. There, they found Eratosthenes naked beside the wife. Striking him, tying him up, and accusing him of insolently entering his house, Euphiletus obtained a confession of guilt and then meted out his punishment, intoning: 'It is not I who kill you, but the city's law'.

This narrative is a creative masterpiece. It combines a convincing (in Athenian terms) and entertaining dramatization of a woman turned to the bad from the good with a practical demonstration of Eratosthenes' offence and guilt, and it concludes with the transformation of Euphiletus from wronged husband into an instrument of law. The killing of Eratosthenes is not a crime of passion, but an act of social justice. Hence, the defendant must now prove that the law does indeed sanction his actions. Three laws are therefore presented in court. Although their precise contents are not recorded, we

can see at least how Euphiletus deployed them. The first appears to have sanctioned death for the man caught red-handed who confesses his guilt: although Eratosthenes offered Euphiletus financial compensation, Euphiletus' course of action was one the people of Athens ('you', the jurors) considered most just. A second law inscribed in stone at the Areopagus, where murder trials were heard, 'expressly states that whoever takes this retribution when he seizes an adulterer with his own wife is not to be convicted of murder'. This is part of Draco's law on homicide (we know this because it is cited at a later trial by Demosthenes). Euphiletus implies that the killing was approved by law, because he dispatched the interloper where he found him: in bed with his wife. A final law sets a double penalty for those who shamefully force free men and children, as does the debauchery of women in situations where it is permitted to kill the perpetrator. So, Euphiletus argues, 'persuading' (adultery), which can be punished by death, is worse than 'forcing' (rape), and he outlines the terrible consequences of this heinous crime: it places disaffected wives in charge of households, and produces children whose paternity is unknown. Finally, in his closing lines, the defendant asserts that the law allows husbands to do whatever they wish with adulterers. Ironically, however – at least from this perspective – he is on trial: 'For now I am risking the loss of life, property and all else that I have, because I obeyed the city's laws'.

Euphiletus' speech thus contains two primary arguments: one, Eratosthenes committed the offence of adultery, and two, Euphiletus' homicidal response to that offence was legitimate. However, there are indications within the speech that the defendant's position is not quite so clear-cut. Time spent deflecting anticipated prosecution arguments delivers glimpses of alternative scenarios, and Euphiletus' presentation of Athenian law regarding adultery is far from definitive. We shall investigate the implications of each in turn.

Cross-examination

a) Was Eratosthenes guilty of adultery?

The first question to arise is whether Eratosthenes was guilty as charged. From the outset, Euphiletus contends that he acted in response to Eratosthenes' adulterous corruption and infiltration of his household. He therefore rejects the prosecution's allegation that Eratosthenes had been dragged into the house from the street and had taken refuge at his hearth. Yet if prosecution and defence arguments are put side-by-side, their only point of agreement is that the victim was killed at the defendant's home. In this light, Euphiletus' opening accusations and entertaining narrative seem to be designed to explain why Eratosthenes was there. The defendant maintains that Eratosthenes had not been coerced, but had entered Euphiletus' home of his own accord, intent on pursuing his pleasure by wronging Euphiletus' wife and children. Euphiletus also reminds the jurors that the deed took place in the bedroom, having earlier elaborated at length on the reason for switching the position of men's and women's quarters. In his story, the wife moves her bedroom downstairs to nurse their baby, and this ultimately allows the adulterer easy access. But conveniently, it makes the downstairs area where Eratosthenes was killed into a woman's bedroom, rather than a semi-public space frequented by men, perhaps with a hearth, where Eratosthenes' presence would not have been so heavily loaded or readily explainable in terms of adultery. For both reasons, the adultery charges could be an elaborate piece of misdirection – possibly, although not necessarily false, but certainly spun in a very deliberate fashion. It is also worth noting that Euphiletus' friends acted as witnesses for climactic events, but the early stages – the post-funeral seduction and the wife's alleged betrayal – remain unverified.

b) Did Euphiletus uphold the law?

To absolve himself of murder, Euphiletus cites three laws: one relating to the punishment of self-confessed wrong-doers caught in the act, a second governing occasions when killers should be exonerated (Demosthenes in fact specifies they are to be excused from exile), and a third setting monetary penalties for rape. Evidently there is no single law that states adulterers should be punished by death. The notion that husbands can do as they wish with adulterers is an inferred consequence of the cumulative reading of these laws. By their account, Euphiletus should not be punished for murder, but he is hardly acting on their behalf when he slays Eratosthenes. Moreover, Euphiletus' account makes clear that there were other options available to the wronged husband,

including the extraction of financial compensation from the adulterer – as offered by Eratosthenes. Our defendant could have resolved the issue without resorting to slaughter. Indeed, the fact Euphiletus resorts to such ingenious readings of disparate laws might suggest a monetary penalty may have been deemed more appropriate.

c) Did Euphiletus set up Eratosthenes?

An awareness of the gulf between what was legally permissible and socially expected might explain why the defendant stresses that he did not set up Eratosthenes. The jury should ignore the prosecution claim that he instructed the maid to fetch the youth. In fact, he had no idea when the adulterer would next strike, and it was a coincidence that he had invited a friend to eat that evening. If he had done so, why would he have allowed him to leave, and then been forced to find other witnesses? Any accusations to the contrary are lies. However, behind the vigorous protesting emerges a different scenario in which Euphiletus was the architect of events. He sent out the maid to fetch Eratosthenes, and invited Sostratus to dinner so that they could catch him in the act. However, Eratosthenes only arrived once Sostratus had departed, forcing Euphiletus to go outside to find other witnesses to the misdeed. In other words, Euphiletus may have found Eratosthenes in his house with his wife, but the killing was unnecessary and premeditated. He was guilty of murder.

A verdict?

Euphiletus' innocence therefore seems contrived and challengeable. On the question of adultery, claiming to have been cuckolded may seem an extreme route to acquittal. By publicly portraying the seduction of his wife, Euphiletus courts ridicule and shame. And yet, because he has killed the adulterer, his honour is already assuaged. Moreover, if the speech-writer Lysias wanted to fabricate a crime for Eratosthenes that could be punished by death, then adultery is hardly an easy option, as his negotiation of the laws shows. But it is perhaps the only one: what else could Eratosthenes do in Euphiletus' house that could sanction his slaying? Outside of sexual offences, Draco's law excuses only those who kill accidentally in athletics, or on the road, or in war. Perhaps, therefore, another explanation exists for the death of Eratosthenes. Euphiletus keeps this in mind as a potential accusation when he claims to have no prior enmity or personal acquaintance with his victim and, therefore, no reason to desire his death. Euphiletus' victim may have been the same Eratosthenes who was

a member of the Thirty Oligarchs who ruled Athens viciously in 404/3, and it is not implausible that such a man would have offended Euphiletus in some other way. Finally, even if we accept adultery as the real motive, then Euphiletus' innocence is still suspect. Can the testimony of his witness-friends really be trusted, or were they in on the act?

In an Athenian court of law, anything goes. The letter of the law is an important part of the equation for prosecution and defence, but it is open to interpretation and refashioning and disputation. Character building and assassination are crucial to a good prosecution and defence, as is presenting a convincing and entertaining narrative. Credible witnesses providing evidence could be balanced by overt appeals for sympathy, with young children paraded before jurors in the hope of moving them to pity and a favourable verdict. Even if we could read the prosecution speech, navigate its apparently quite different version of events, and compare them with Euphiletus' argument, we could not be sure what conclusion the jury would reach. As it is, the best we can say is that the killing of Eratosthenes seems excessive and likely orchestrated. Peering through the holes in the defence can only leave us wondering what really happened to Eratosthenes at the hands of Euphiletus and his friends behind closed doors that night.

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